

CONFIDENTIAL

176

USIB-D-39.5/18
24 July 1963

UNITED STATES INTELLIGENCE BOARD

MEMORANDUM FOR THE UNITED STATES INTELLIGENCE BOARD

SUBJECT : Release of Intelligence to Contractors

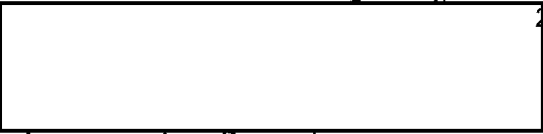
REFERENCES : a. USIB-M-259, item 3, 27 February 1963
b. USIB-D-39.5/17, 15 February 1963

1. Submitted in the attachment hereto for USIB consideration and action in accordance with the guidance provided in reference a., is a Committee on Documentation (CODIB) revision of a memorandum previously submitted as reference b.

USIB Action Requested:

2. USIB members are requested to advise the Secretariat through return of the attached vote sheet by the close of business 2 August 1963 of their concurrence in or other views on the recommendation contained in paragraph 2 of Mr. Borel's memorandum.

25X1


Executive Secretary

25X1

Attachment

Record of action attached.

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GROUP 1
Excluded from automatic
downgrading and
declassification

C-O-N-F-I-D-E-N-T-I-A-L

USIB-D-39.5/18

CODIB-D-42/15
22 July 1963

MEMORANDUM FOR: Chairman, United States Intelligence Board

SUBJECT: Release of Intelligence to Contractors

REFERENCE:

- a. USIB-D-39.5/2, 10 Nov 59
- b. USIB-D-39.5/12, 3 Nov 61
- c. USIB-M-201, item 5, 21 Feb 62
- d. DCID 1/7, 21 Feb 62
- e. USIB-D-29.5/16, 23 Nov 62
- f. USIB-D-9.3/4, 10 Dec 62
- g. Memo for Chairman CODIB from
Exec Sec USIB, 20 Dec 62
- h. USIB-D-29.5/17, 15 Feb 63
- i. USIB-M-259, item 3, 27 Feb 63

1. The attached proposed USIB policy statement on the release of intelligence to contractors has been agreed to by all members of USIB Committee on Documentation (CODIB). It was drafted to supersede reference a., which it updates in keeping with DCID 1/7.

2. CODIB recommends its approval by USIB.

Paul A. Borel
Chairman
Committee on Documentation

Attachment

GROUP I

C-O-N-F-I-D-E-N-T-I-A-L

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C-O-N-F-I-D-E-N-T-I-A-L

22 July 1963

USIB Policy on Release
of Intelligence to Contractors ^{1/}

1. In order that the member agencies may more effectively discharge their responsibilities, and without intent to limit such broader authority or responsibility as any may now have under law, NSC directive, or special agreements among them, the United States Intelligence Board is agreed that selected intelligence ^{2/} may be made available by recipient USIB members or their designated subordinates to certain contractors without referral to the originating agency, provided that:

^{1/} General policy is set forth in DCID 1/7: Controls for Dissemination and Use of Intelligence and Intelligence Information (New Series), approved 21 February 1962, see especially para. 6. a (2).

^{2/} This directive deals solely with intelligence, which, for purposes of this directive, is defined as information reports and intelligence produced and disseminated by CIA, INR/State, DIA, ACSI/Army, ONI, ACSI/Air Force, and the AEC. This specifically excludes Foreign Service reporting, and reports and documents originating in military commands other than the intelligence agencies specified above. Permission to release intelligence falling into these excluded categories must be obtained from the originating component.

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- 2 -

- a. Release ^{3/} shall be limited to private individuals (including consultants) or organizations certified by the sponsoring member of the United States Intelligence Board as being under contract to the United States Government for the purpose of performing classified services in support of the mission of a member agency ^{4/}, his department or service, as having a need-to-know, and as possessing the required security clearances.
- b. The responsibility for ensuring that releases to contractors are made pursuant to this policy statement shall rest with the sponsoring member of the USIB (i.e., the chief of the USIB intelligence component seeking release on his own

^{3/} Release is the visual, oral or physical disclosure of classified intelligence material.

^{4/} Non-USIB Government components under contract to fulfill an intelligence support role, may be treated as members of the Intelligence Community rather than as contractors (NSCID No. 1 (New Series) footnote 2; USIB-D-39.5/12, para. 8.d; USIB-M-201, para. 5). When so treated, it shall be solely for the specific purposes agreed upon, and shall in no case include authority to disseminate further the intelligence material made available to them.

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C-O-N-F-I-D-E-N-T-I-A-L

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behalf or on behalf of a component within his department or service) or his designee.

- c. The agency releasing the intelligence material shall maintain a record of the material released and shall upon request report such releases to the originating agency.
- d. Intelligence material released to a contractor does not become the property of the contractor and can be withdrawn from him at any time. Upon expiration of the contract, the releasing agency shall assure that all intelligence materials released under authority of this agreement and all other materials of any kind incorporating data from such intelligence materials are returned to the releasing agency for final disposition.
- e. Contractors receiving intelligence material will not release the material (a) to any activity or individual of the contractor's organization not directly engaged in providing services under the contract, nor (b) to another contractor (including a subcontractor), government agency, private individual or organization without the consent of the releasing agency

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- 4 -

(which shall verify that the second contractor has a need-to-know and meets security requirements).

- f. Intelligence material will not be released to foreign nationals whether or not they are also consultants, U.S. contractors or employees of contractors, and regardless of the level of their security clearance, except with the specific permission of the originating agency.
- g. Contractors shall be required to maintain such records as will permit them to furnish on demand, the names of individuals who have had access to intelligence materials in their custody.

2. The following intelligence materials shall not be released to contractors:

- a. National Intelligence Estimates (NIE's) and Special National Intelligence Estimates (SNIE's) are not releasable and hence shall bear the Controlled Dissem stamp. However, information contained therein may be made available, without identification as national intelligence, over the by-line of the USIB member authorizing its release.

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b. National Intelligence Survey (NIS) Section 56: Intelligence and Security, is not releasable and hence shall bear the Controlled Dissem stamp.

3. The following intelligence materials shall not be released to contractors unless special permission has been obtained in writing from the originator:

Materials which by reason of sensitivity of content bear special markings, such as Controlled Dissem, contained in DCID 1/7 (New Series) 21 Feb 62, or warnings which prohibit dissemination to contractors, or which are marked for handling in special dissemination channels.

4. Questions concerning the implementation of this policy and these procedures shall be referred for appropriate action to the USIB Committee on Documentation.

5. This policy statement supersedes USIB-D-39.5/2 dated 10 November 1959, and becomes effective on _____, 1963. Intelligence materials bearing an earlier date are not subject to the provisions of this directive. Provisions contained in paragraphs 1. d, e, f and g above, should be included in new contracts involving release of classified intelligence to contractors.

C-O-N-F-I-D-E-N-T-I-A-L

Attachment
USIB-D-39, 5/18
24 July 1963

MEMORANDUM FOR EXECUTIVE SECRETARY, USIB

SUBJECT : USIB Vote Sheet Action

REFERENCE : USIB-D-39, 5/18, 24 July 1963

1. With respect to the recommendation in paragraph 2 of Mr. Borel's memorandum.

a. I concur therein.

b. I concur therein, subject to the comments
of amendments set forth in paragraph 2
below.*

c. I do not concur in the recommendation.
See comments below.*

2. Comments or amendments:*

(Signature)

(Title)

(Date)

(Agency)

*May necessitate classification and control of this memorandum.

UNITED STATES INTELLIGENCE BOARD

VOTE SHEET ACTION

SUBJECT : Release of Intelligence to Contractors

REFERENCE : USIB-D-39.5/18

DUE DATE : 2 August 1963

Agency	Vote	By	Date
CIA	Concur		31 July
State	Concur		30 July
DIA	Concur		1 August
Army	Concur		31 July
Navy	Concur		2 August
Air Force	Concur		2 August
NSA	Concur		31 July
Joint Staff			
AEC	Concur		1 August
FBI	Abstain inasmuch as FBI does not disseminate intelligence to contractors.		30 July

Remarks:

Acting
 Approved by/DCI on 26 August 1963.

Record Secretary's Note, USIB-M-285, 28 August 1963.

Attachment
USIB-D-39.5/18
24 July 1963

MEMORANDUM FOR EXECUTIVE SECRETARY, USIB

SUBJECT : USIB Vote Sheet Action

REFERENCE : USIB-D-39.5/18, 24 July 1963

1. With respect to the recommendation in paragraph 2 of Mr. Borel's memorandum.


a. I concur therein. _____

b. I concur therein, subject to the comments
of amendments set forth in paragraph 2
below.* _____

c. I do not concur in the recommendation.
See comments below.* _____

2. Comments or amendments:*

*The FBI abstains inasmuch as the FBI does not
disseminate intelligence to contractors.*


(Signature)

Assistant to the Director
(Title)

July 30, 1963
(Date)

Federal Bureau of Investigation
(Agency)

*May necessitate classification and control of this memorandum.

CONFIDENTIAL

DDI-4845-63

CENTRAL INTELLIGENCE AGENCY

OFFICE OF CENTRAL REFERENCE

Executive Registry

63-6467

15 August 1963

MEMORANDUM FOR: Deputy Director of Central Intelligence

THROUGH: Executive Director

THROUGH: Deputy Director/Intelligence

SUBJECT: Director of Security Amendment to USIB Policy on
Release of Intelligence to Contractors

REFERENCE: USIB-D-39.5/18, 24 July 1963

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1. Referenced USIB paper (attached) was circulated for vote slip action and approved by all USIB principals but has not yet been submitted to the DCI. Subsequent to the vote slip action, the Director of Security recommended addition of the following subparagraph h. to paragraph 1. of the Policy Statement:

"h. Contractors may not reproduce any material released without the express permission of the agency having contractual responsibilities. All requirements for control and accountability for original documents as indicated above shall apply equally to copies made."

2. Prohibition against reproduction of material by contractors is implicit in referenced paper, but, since this is the authoritative document on contractor release, the Director of Security thought that ambiguity should be avoided by means of a positive statement. The Committee on Documentation concurs.

3. The USIB Secretariat asked each CODIB member to obtain the approval of his USIB principal prior to transmittal of the package to the DCI, hence this memorandum.

25X1

Acting Assistant Director

Approved:

Deputy Director of Central Intelligence

20 AUG 1963

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Executive Registry
63-6610

23 August 1963

MEMORANDUM FOR: Executive Secretary, USIB

SUBJECT: USIB Policy on Release of Intelligence to Contractors

REFERENCES: (a) CIA Director of Security Memorandum to AD/CR
of 3 August 1963; same subject (attached)
(b) USIB-D-39.5/18 of 24 July 1963

1. As you requested, the CODIB members were asked to contact their USIB principals for approval of a new subparagraph 1.h. (as proposed in reference (a)) to the revised USIB policy paper (reference (b)), which was recently distributed for vote slip action.

2. All of the USIB principals have approved the amendment as written, with the exception of the FBI member, who abstained on this item as he had on the original vote slip action.

[Redacted Signature]
CODIB, Secretary

Attachment

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GROUP 1 Excluded from automatic downgrading and declassification

3 AUG 1963

MEMORANDUM FOR: Director of Central Reference

**SUBJECT : USIB Policy on Release of Intelligence
to Contractors (USIB-D-39.5/18 of 24 July 1963)**

1. The subject proposed USIB Policy Statement on Release of Intelligence to Contractors has been reviewed and the following comments are submitted.

2. There is no provision to preclude contractors from reproducing material. It is recommended, therefore, that the following subparagraph be added as subparagraph h. to paragraph 1. of the proposed Policy Statement.

"h. Contractors may not reproduce any material released without the express permission of the agency having contractual responsibilities. All requirements for control and accountability for original documents as indicated above shall apply equally to copies made."

3. It is considered that the proposed Policy Statement will greatly facilitate the flow of intelligence information and thereby enhance the processing capabilities within the intelligence community. Such expanded dissemination; however, will require continual review and monitoring to ensure that the intelligence information involved is afforded effective safeguarding and protection from unauthorized disclosure.

4. Accordingly, it is recommended that six months after the implementation of the Policy Statement, a review be initiated by CODIB to determine the scope of the dissemination of intelligence and the effectiveness of accountability controls. It is further recommended that CODIB institute a regular program of semi-annual or annual reviews by the CODIB member agencies to ensure the continuance of effective controls and appropriate reports submitted to CODIB.

SIGNED

R. L. Bannerman
Director of Security

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM			
UNCLASSIFIED	<input checked="" type="checkbox"/>	CONFIDENTIAL	SECRET
CENTRAL INTELLIGENCE AGENCY OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	DATE	INITIALS
1	Acting Chairman, USIB		
2	USIB/S		
3	<u> </u>		
4			
5			
6			
<input type="checkbox"/>	ACTION	<input type="checkbox"/>	DIRECT REPLY
<input type="checkbox"/>	APPROVAL	<input type="checkbox"/>	DISPATCH
<input type="checkbox"/>	COMMENT	<input type="checkbox"/>	FILE
<input type="checkbox"/>	CONCURRENCE	<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>		<input type="checkbox"/>	PREPARE REPLY
<input type="checkbox"/>		<input type="checkbox"/>	RECOMMENDATION
<input type="checkbox"/>		<input type="checkbox"/>	RETURN
<input type="checkbox"/>		<input type="checkbox"/>	SIGNATURE
<p>Remarks: As indicated in the attachment hereto, you have already approved as CIA Member of USIB the proposed USIB Policy on Release of Intelligence to Contractors, including the added paragraph l.h.</p> <p>All other USIB Members (except Mr. McCone as Chairman) have now approved the attached policy.</p> <p>It is requested that you indicate by checkmark whether:</p> <p>a. You wish to complete USIB action by approval as Acting Chairman or <input checked="" type="checkbox"/></p> <p>b. desire that this policy be held for approval by Mr. McCone. <input type="checkbox"/></p>			
<p>MARSHALL S. CARTER Lt. General, USA Acting Chairman, USIB</p>		<p><i>26 Aug '63</i> Date</p>	
FOLD HERE TO RETURN TO SENDER			
<p>ADDRESS AND PHONE NO.</p>		<p>DATE</p>	
<p>Exec. Secretary USIB</p>		<p>26 Aug</p>	
UNCLASSIFIED	<input checked="" type="checkbox"/>	CONFIDENTIAL	SECRET

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM			
UNCLASSIFIED		<input checked="" type="checkbox"/>	CONFIDENTIAL
			SECRET
CENTRAL INTELLIGENCE AGENCY OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	INITIALS	DATE
1	DD/I Executive Director	<i>[Signature]</i>	8/15/63
2	DDCI	<i>[Signature]</i>	8/20/63
3	Executive Secretary, USIB		8/21/63
4			
5			
6			
ACTION		DIRECT REPLY	PREPARE REPLY
APPROVAL		DISPATCH	RECOMMENDATION
COMMENT		FILE	RETURN
CONCURRENCE		INFORMATION	SIGNATURE
<p>Remarks: For action by General Carter as Agency member of USIB.</p> <p>You are asked to sign the attached memorandum, signifying your approval of the recommended addition to the USIB policy statement on release of intelligence to contractors.</p>			
FOLD HERE TO RETURN TO SENDER			
FROM: NAME, ADDRESS AND PHONE NO.			DATE
<div style="border: 1px solid black; width: 150px; height: 20px; display: inline-block;"></div> AAD/CR			8/15/63
UNCLASSIFIED		<input checked="" type="checkbox"/>	CONFIDENTIAL
			SECRET

UNCLASSIFIED		X	CONFIDENTIAL	SECRET
<p align="center">CENTRAL INTELLIGENCE AGENCY OFFICIAL ROUTING SLIP</p>				
TO	NAME AND ADDRESS		INITIALS	DATE
1	DDCI 7/31/63			
2	USIB Secretariat			
3				
4				
5				
6				
	ACTION		DIRECT REPLY	PREPARE REPLY
	APPROVAL		DISPATCH	RECOMMENDATION
	COMMENT	2	FILE	RETURN
1	CONCURRENCE		INFORMATION	SIGNATURE
<p>Remarks: There are no Agency problems with the proposed USIB policy statement on the release of intelligence to contractors.</p> <p>It is therefore recommended that you concur in USIB approval of the statement by signing the attached vote sheet.</p>				
<div style="border: 1px solid black; height: 40px; width: 100%;"></div>				
FOLD HERE TO RETURN TO SENDER				
FROM: NAME, ADDRESS AND PHONE NO.				DATE
Ray S. Cline Deputy Director (Intelligence)				30 July 63
UNCLASSIFIED		X	CONFIDENTIAL	SECRET